



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 5, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humboldt Highlands, Inc. Special Permit**
Application Number 11124
Record Number PLN-11124-SP
Case Number SP-17-080
Assessor's Parcel Number 210-062-006
Bridgeville, California

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Please contact Elizabeth Moreno, at (707) 445-7541, or by email at emoreno@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 5, 2019	Special Permits	Elizabeth Moreno

Project Description: Humboldt Highlands, Inc. seeks approval of a Special Permit for 9,535 square feet of existing outdoor cannabis cultivation on APN: 210-062-006. A Special Permit is also requested for four points of water diversion and remediation work within a Streamside Management Area. The projected water usage is about 104,410 gallons a year. There is a total of 35,500 gallons of water storage on the subject parcel in a series of nine hard tanks, one water bladder, and pool. The applicant will increase the water storage by an additional 68,910 gallons to meet the forbearance period. Processing will occur offsite. Power is provided by a generator.

Project Location: The project site is located in the Bridgeville area on the south side of State Highway 36, approximately 2.65 miles southwest from the intersection of Larabee Buttes Road and State Highway 36, on the property known to be in Section 27, Township 01 North, Range 04 East.

Present Plan Designations: Timber Production (T), Agriculture/Grazing (AG), Density: 160 to 20 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Timberland Production (TPZ); Agriculture Exclusive (AE)

Application Number: 11124

Case Number: SP-17-080, PLN-11124-SP

Assessor Parcel Number(s):

Applicant

Humboldt Highlands, Inc.
John Long
P. O. Box 147
Hydesville, CA 95547

Owner

Spears Ed C Jr & Rosetta C
#7 Oak Crk Rd
El Sobrante, CA 94803

Agent

Green Road Consulting
1650 Central Ave. Ste. C,
McKinleyville, CA 95519

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per § 15164 of CEQA Guidelines

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: None

Humboldt Highlands, Inc. Special Permit
Case Number SP17-080, PLN-11124-SP
Assessor's Parcel Numbers (APNs): 210-062-006

Recommended Zoning Administrator Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find that the Zoning Administrator has considered the addendum to the adopted Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report, and adopt the Resolution approving the Humboldt Highlands, Inc. Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary

Humboldt Highlands, Inc. seeks approval of a Special Permit for 9,535 square feet of existing outdoor cannabis cultivation, located in three areas on Assessor's Parcel Number (APN) 210-062-006, which is approximately 163 acres in size and located in the Bridgeville Area.

A Special Permit is also requested for the use and the encroachment of four points of diversion. The encroachments occur within four springs. The applicant has submitted a Lake and Streambed Alteration Agreement to the California Department of Fish and Wildlife (CDFW). As a Condition of Approval, the applicant will adhere to all the recommendations and complete all corrective items.

Irrigation occurs by a gravity fed drip lines. The total annual water demand is about 104,410 gallons (11 gallons per square foot). The points of diversion are tributaries to Little Larrabee Creek. The applicant submitted a Statement of Water Diversion and Use to the State Water Resources Control Board and obtained a Right to Divert and Use Water (Certificate #H502523, see Attachment 4). The Right to Divert and Use Water allows the applicant to store up to 0.37 acre-feet (or 120,565 gallons) of water annually. There is a total of 35,500 gallons of water storage on the subject parcel in a series of nine hard tanks, one water bladder, and pool.

Conditions of Approval require the applicant to adhere to the terms and conditions of the Right to Divert and Use Water. Additionally, the applicant is required to remove and replace the water bladder with hard-sided tank storage and the pool shall be permitted or replaced with hard tanks. Furthermore, the Conditions of Approval require the applicant to increase the water storage by an additional 68,910 gallons to meet the forbearance period. Enough space is available on the subject parcel to accommodate additional tanks. Conditions of Approval also require the applicant to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period of May 15 – October 31 annually. The applicant shall keep the water metering records on site and provide them to County staff during the annual inspection for review.

There are five tanks illustrated in the Site Plan, that are located within Class III and Class II Streamside Management Areas. As a Condition of Approval, the applicant will submit a remediation plan prepared by a qualified biologist to relocate five tanks out of the streamside Management Area. Drying will occur in temporary structures and further processing shall occur

offsite at a license facility. Electricity for processing is supplied by a generator. The applicant uses a Travel Trailer as storage, as a Condition of Approval, the applicant must permit the Travel Trailer or use a secured Agriculture Exempt building.

Trash is stored in a shed and then taken to a disposal center in Eureka. Access to the site is from State Highway Route 36 via Larabee Buttes Road. A Road Evaluation Report prepared by the Applicant was submitted to the County with photographic evidence. The report indicated that the roadway serving the subject property is developed to a Category 4 standard and is adequate to accommodate the proposed use. As a Condition of Approval, the applicant must obtain an encroachment permit from Caltrans for the encroachment onto State Highway 36.

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff has stated that the required findings can be made based on the submitted evidence and subject to the recommended Conditions of Approval. Consequently, Planning Division staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Case Numbers SP 17-080, PLN-11124-SP
Assessor's Parcel Numbers: 210-062-006**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt Highlands, Inc. Special Permits request.

WHEREAS, Humboldt Highlands, Inc. submitted an application and evidence in support of approving the Special Permit for 9,535 square feet of existing outdoor cannabis cultivation; and

WHEREAS, Humboldt Highlands, Inc. submitted evidence in support of approving a Special Permit for development within a Streamside Management Area for four points of water diversion and remediation work within Streamside Management Areas; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all the required findings for approving the proposed Special Permits; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 5, 2019.

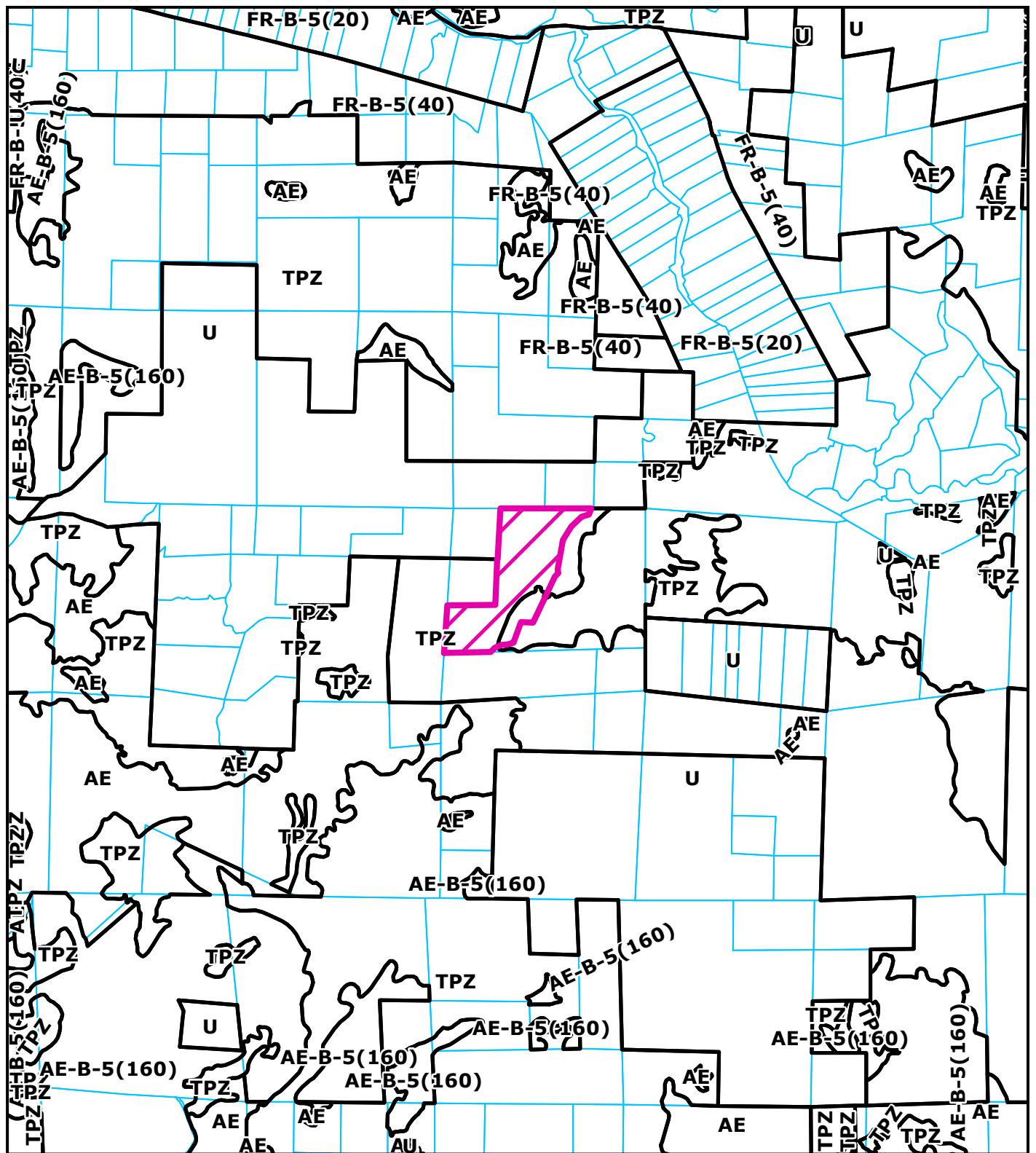
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Humboldt County Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report for Case Numbers SP17-080 and PLN-11124-SP based on the submitted substantial evidence; and
3. Special Permit Case Numbers SP 17-080 and PLN-11124-SP are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on September 5, 2019.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator
Planning and Building Department
County of Humboldt



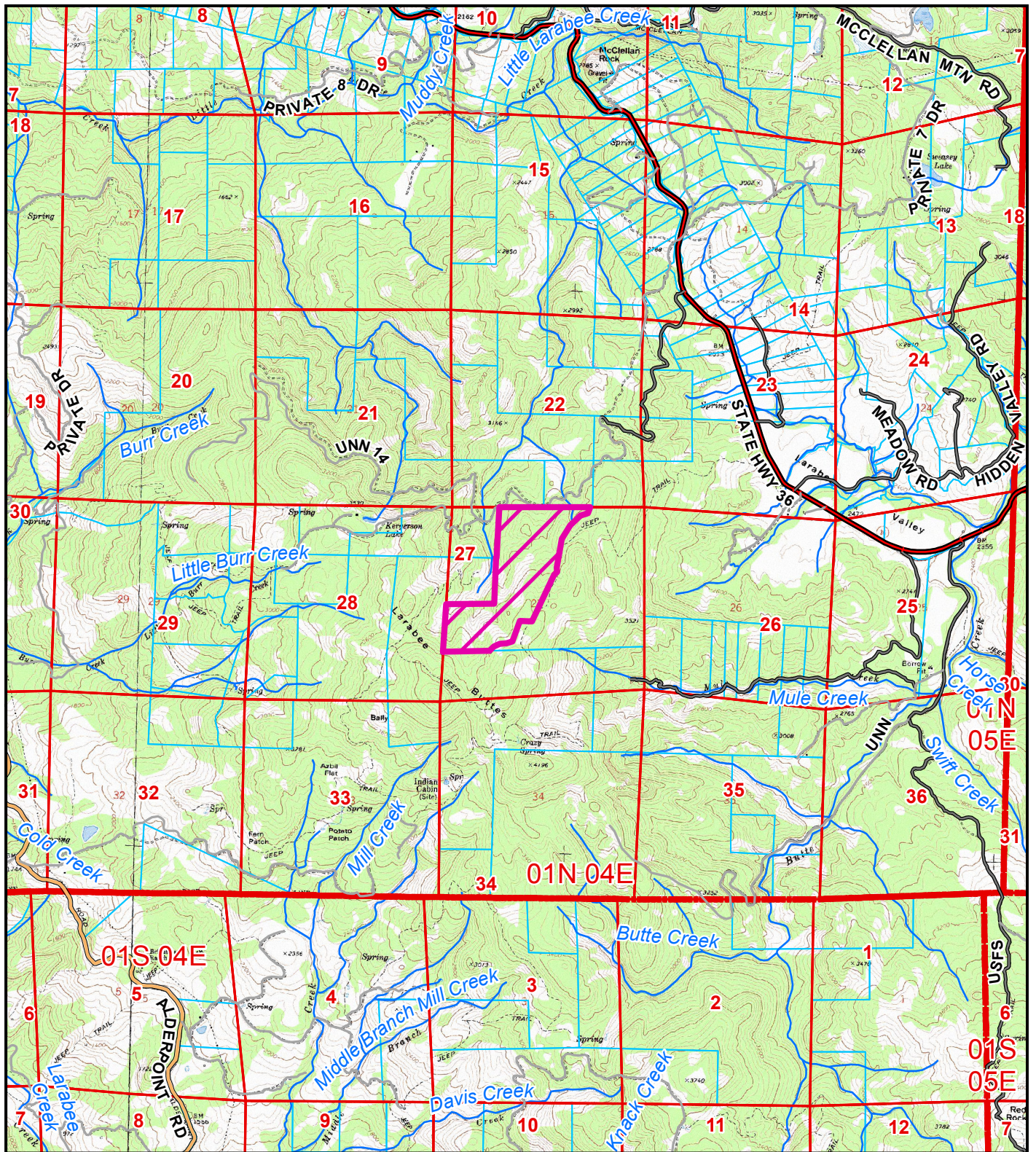
**ZONING MAP
PROPOSED HUMBOLDT HIGHLANDS INC.
DINSMORE AREA
SP-17-080
APN: 210-062-006
T01N R04E S27 HB&M (LARABEE VALLEY)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.4 0.8 1.6
Miles

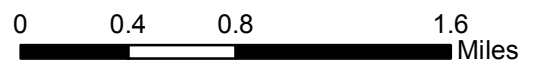


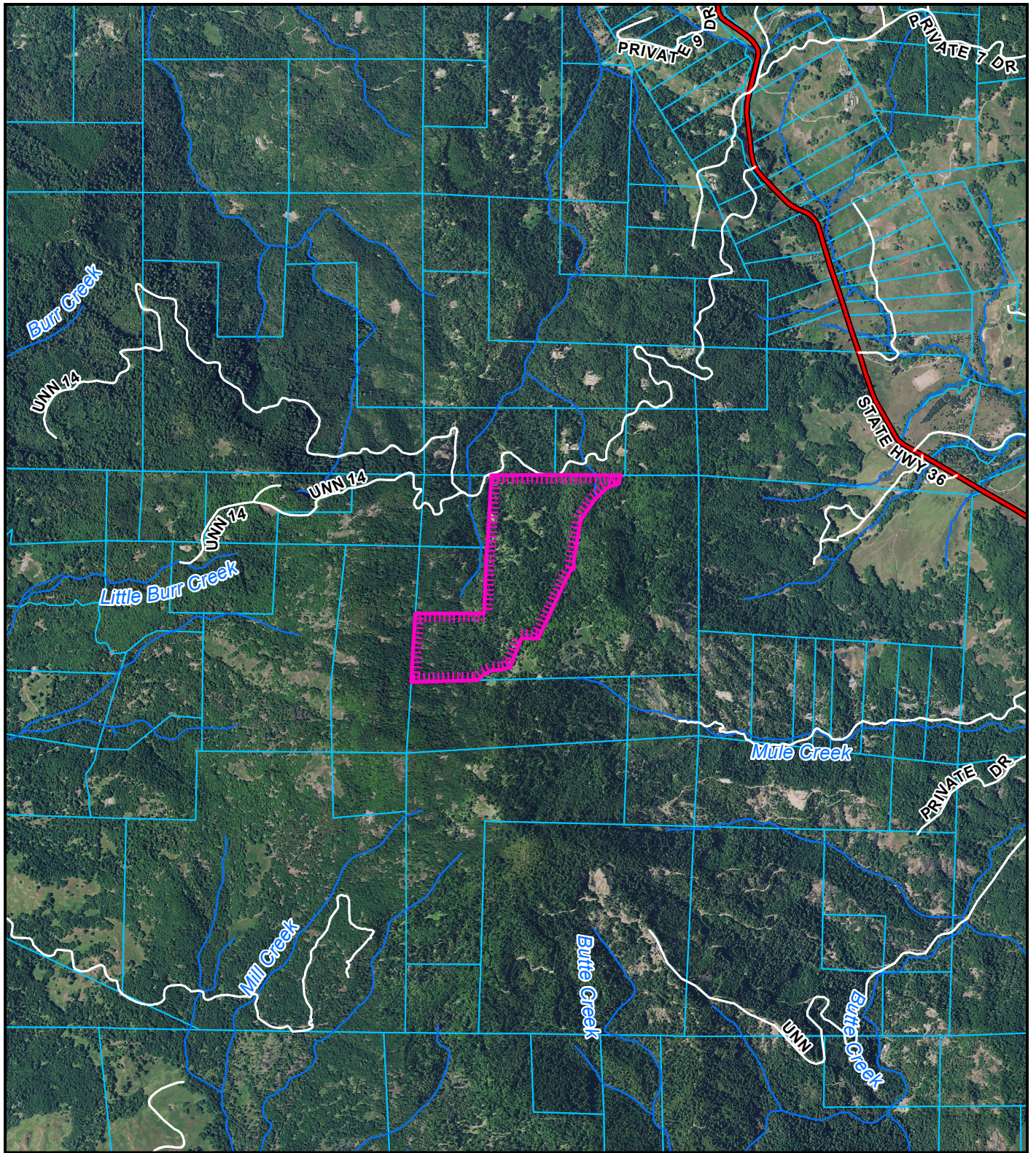


Project Area = 

TOPO MAP
PROPOSED HUMBOLDT HIGHLANDS INC.
DINSMORE AREA
SP-17-080
APN: 210-062-006
T01N R04E S27 HB&M (LARABEE VALLEY)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





Project Area = 

**AERIAL MAP
PROPOSED HUMBOLDT HIGHLANDS INC.
DINSMORE AREA
SP-17-080
APN: 210-062-006
T01N R04E S27 HB&M (LARABEE VALLEY)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.275 0.55 1.1 Miles



HUMBOLDT HIGHLANDS, INC.

APN: 210-062-006

AERIAL MAP

VICINITY MAP

NOT TO SCALE



PROJECT DIRECTIONS

FROM: FORTUNA, CA
HEAD EAST ON CA-36 (32.2 MI)
TURN RIGHT ONTO LARABEE BUTTES ACCESS ROAD (1.7 MI)
CONTINUE ONTO LARABEE BUTTES ROAD (1.0 M)
PROPERTY ENTRANCE WILL BE ON THE LEFT.

TRAVEL TIME

APPROXIMATELY: 48 MILES (1 HOUR 20 MINUTES)

SHEET INDEX

CP-COVER PAGE
PO-PARCEL OVERVIEW

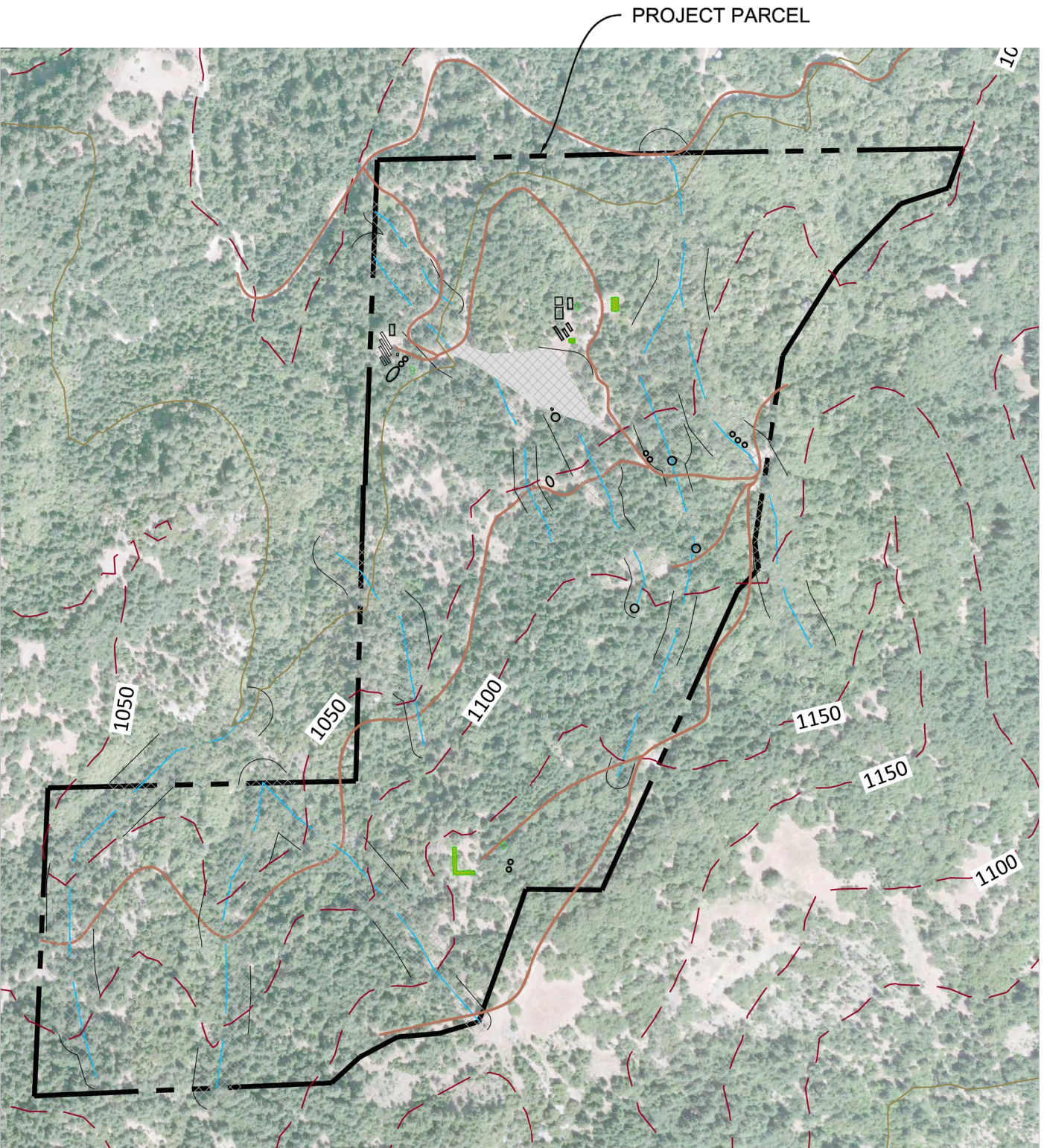
PROJECT INFORMATION

LAT/LONG: 40.4369, -123.7150
APN: 210-062-006
APPLICANT: HUMBOLDT HIGHLANDS, INC.
PARCEL SIZE: ±162
ZONING: AE;TPZ
APPLICATION TYPE: TYPE 3 OUTDOOR

COASTAL ZONE: NO
100 YEAR FLOOD: NO

AGENT:

KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041



PROPERTY LINES AND BUILDING LOCATIONS
ARE APPROXIMATE AND BASED ON AERIAL
MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

PROPERTY OWNER: ALVIN SPEARS & DAWN SPEARS
ADDRESS: APN: 210-062-006
SHEET INFO: COUNTY COVER PAGE

REVISIONS

NO.	NOTES	DATE

DATE: 6/13/17
DRAFTER: JDB
SCALE: AS SHOWN

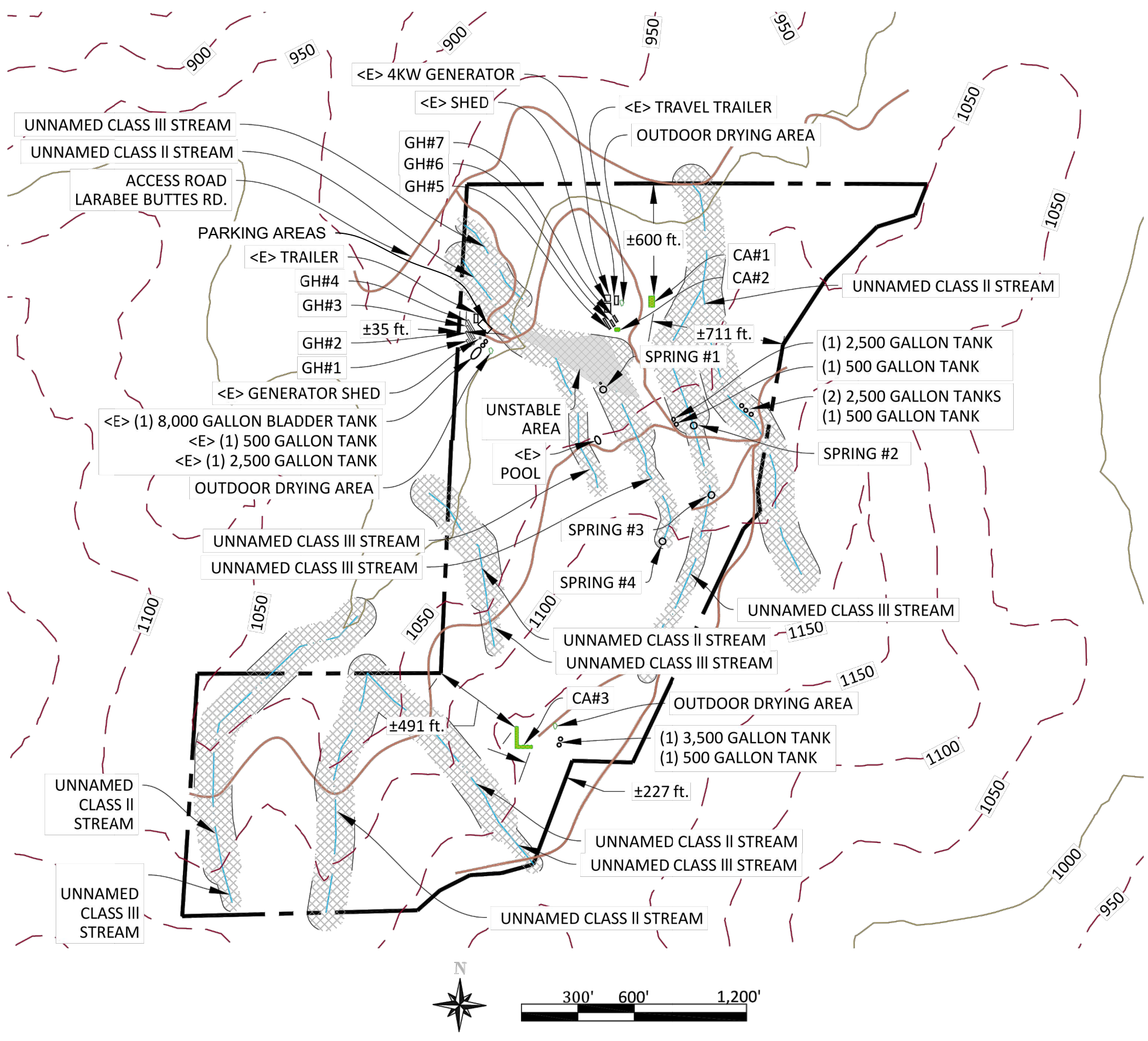
SHEET

CP

10/16/2017 - X:_Projects\Lon.Hu.Br.16.3\CAD\County Permit\LonHU County\0-16.dwg -- 12:09 PM -- Green Road

PARCEL OVERVIEW

APN: 210-062-006



CULTIVATION INFORMATION

CULTIVATION AREA

CA #1 = 1,800 FT²
CA #2 = 450 FT²
CA #3 = 3,125 FT²

GH #1 = 400 FT²
GH #2 = 800 FT²
GH #3 = 800 FT²
GH #4 = 800 FT²
GH #5 = 640 FT²
GH #6 = 360 FT²
GH #7 = 360 FT²

TOTAL OUTDOOR CULTIVATION AREA = 9,535 FT²

CULTIVATION BUILDINGS AND USE

BUILDING	USE	SIZE	YEAR
GENERATOR SHED	GENERATOR & FUEL STORAGE	8x10	1980
TRAVEL TRAILER	NUTRIENT STORAGE	20x8	1980

DOMESTIC BUILDING AND USE

BUILDING	USE	YEAR	SIZE
SHED	STORAGE	2009	8x12
TRAILER	TEMPORARY LIVING	2007	36x8

WATER STORAGE & USE

TYPE	NUMBER	SIZE
HDPE TANK	4	2,500 GALLONS
HDPE TANK	4	500 GALLONS
HDPE TANK	1	3,500 GALLONS
BLADDER TANK	1	8,000 GALLONS
POOL	1	15,000 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 38,500 GALLONS

WATERSOURCE

SPRINGS (4x)

POWERSOURCE

4KW GENERATOR

UNNAMED CLASS II STREAM WITH REQUIRED 100 FT BUFFER.
UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER.

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

PROPERTY OWNER ALVIN SPEARS & DAWN SPEARS

ADDRESS APN: 210-062-006

SHEET INFO PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE

DATE 6/13/17
DRAFTER JDB
SCALE AS SHOWN

SHEET
PO

ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Noise containment structures for all generators and greenhouse fans on parcel shall be constructed; noise released shall be no more than 50 decibels measured from 100 feet, effective immediately.
3. Drying will occur in temporary structures and further processing shall occur offsite at a license facility.
4. The applicant shall obtain a building permit for the Travel Trailer that is used for nutrient storage or use a secured Agriculture Exempt building.
5. The applicant will replace the water bladder with hard tanks and the pool shall be permitted or replaced with hard tanks. Prior to replacement, the applicant shall submit a water storage plan and a revised site plan illustrating where the water storage will be placed. The applicant will increase the water storage by an additional 68,910 gallons to meet the forbearance period.
6. The applicant shall relocate five tanks out of the Streamside Management Areas (SMA). The applicant shall submit a remediation plan prepared by a qualified biologist prior to tank removal from the SMA.
7. The applicant shall place a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period of May 15 – October 31 annually. The applicant shall keep the water metering records on site and provide to County staff during the annual inspection for review.
8. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant must obtain an encroachment permit from Caltrans for the encroachment of State Hwy 36 and provide a copy to the Planning and Building Department.
10. Applicant is to obtain and adhere to the Streambed Alteration Agreement from California Department of Fish and Wildlife (CDFW) and adhere to all the recommendations and

complete all corrective items.

11. If applicable, the applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
12. The applicant shall demonstrate the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards.
13. The applicant shall submit a Water Resource Protection Plan (WRPP) and implement all corrective actions detailed developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A Conditional approval copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
16. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
17. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
18. The applicant is required to pay for permit processing on a time and materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
19. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the

required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

20. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
21. All imported soil to be located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
22. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
23. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
24. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
25. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
26. All on-site lighting that is existing or installed in the future shall be fully shielded and designed and installed to eliminate light leakage that could be visible from all property boundaries between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding, and alignment has been repaired, inspected, and corrected as necessary.
27. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

28. Possession of a current, valid required license, or licenses, issued by any agency of the State of California is required in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
29. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
30. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
31. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
32. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
33. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
34. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
35. Pay all applicable application and annual inspection fees.
36. The noise produced by a generator shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Northern Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
37. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
38. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
39. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

40. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

41. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
42. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
43. Cultivators engaged in processing shall comply with the following Processing Practices:
- I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
44. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
45. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
46. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

47. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
48. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and

- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

49. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing Permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

50. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #46 and 47 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall

cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

Required Findings for Approval

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

1. **The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program.** The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Agricultural Grazing (AG) This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. Density range is 20 -160 acres/unit. General Agriculture is an allowed use in this designation.</p> <p>Timberland (T) This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Density range is 40 -160 acres/unit. General Agriculture is an allowed use in this designation.</p>	<p>The project includes 9,535 square feet of existing outdoor cannabis cultivation. A General agriculture is an allowable use type for these two designations.</p> <p>The MAUCRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use and may be considered accessory to the agricultural use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the property is from State Highway 36 to Larabee Buttes Road. A Road Evaluation Report prepared by the Applicant was submitted to the County with photographic evidence. The report indicated that the roadway serving the subject property is developed to a Category 4 standard and is adequate to accommodate the proposed use. As a Condition of Approval, the applicant must obtain an encroachment permit from Caltrans for the encroachment onto Hwy 36.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within an Open Space Action Program, because the project site is planned Timberland and Agricultural Grazing. The project can be found to be consistent with the Open Space Plan and Open Space Action Program because the proposed project is an allowable use within the Land Use Designations. The existing cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>The Biological Resource maps of the General Plan do not show any special status species on the subject parcel. However, Northern Spotted Owl (NSO) activity centers are located within 1.67 miles. Applicant is to adhere to Dark Sky Standards. Conditions of Approval also include habitat protection measures, such as leaving wildlife unharmed and prohibiting synthetic netting.</p> <p>Six Class II and Seven Class III watercourses traverse the project site that are tributaries to Little Larabee Creek. None of the watercourses are shown as having Streamside Management Area (SMAs) in the County WebGIS; however, the applicant's site plan does illustrate the SMAs. The project does include a Special Permit for encroachment within the SMAs for four points of water diversion, and remediation of the site where five water tanks will be removed from SMAs. The project has been conditioned to require a remediation plan prepared by a qualified biologist prior to tank removal.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center (NWIC) and the THPO of the Bear River Band of the Rohnerville Rancheria recommended a cultural resources survey of the property. The survey results were negative. The Bear River Band THPO recommended standard inadvertent discovery protocol for cultural resources which is included as a Condition of Approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare</p>	<p>The cultivation is isolated from view and cannot be easily accessed from any public road or location, and the cultivation is not visible from a public road or any other public vantage point.</p> <p>Scenic Resources Standard SR-S4, Light and Glare, requires that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The project has been conditioned accordingly. No lights will be used for the project.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The applicant was enrolled as a Tier 2 discharger under the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order). The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p> <p>In addition to the above measures, the Applicant filed an LSAA with CDFW. Once the final LSAA is received, the Applicant will implement all requirements specified by CDFW to protect adjacent biological resources, and water quality for the site and downstream areas. Conditions of Approval related to preparation of these documents and conformance to permit requirements have been added to the project making the project consistent with this policy.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The Department of Environmental Health recommended no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. Drying will occur in temporary structures and further processing shall occur offsite at a license facility.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>Electrical power for the cultivation is supplied by a generator. The generator must meet CMMLUO performance standards. As a Condition of Approval, construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100 feet.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The cultivation is located in an area designated as high Instability (3) in the County's GIS mapping. The existing cultivation uses are located on slopes of 15-30 percent and are not expected to be affected by geologic instability nor will the uses create or exacerbate any existing geologic condition. Conditions of Approval require the applicant to obtain grading permits for any grading on the subject parcel required for the cannabis operation. Based on the project and evidence before staff, the project does not pose any threat to public safety related from exposure to natural or manmade hazards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject parcel is outside any mapped flood hazard areas and is not subject to inundation from an upstream dam failure or tsunami.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is in an area with a high fire hazard rating and very high fire hazard severity. The property is located within the Bridgeville Fire Protection District Response Area and in a State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended turnarounds for emergency access, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards.</p> <p>The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a Condition of Approval.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The parcel is located in the Bridgeville Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table documents the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	APN 210-062-006 has been determined to be one legal parcel, created as Parcel 1 of Tract Map No. 238, recorded in Book 18 of Maps, pages 74 and 75 on July 15, 1985. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-7.4 Timberland Production (TPZ) Agriculture Exclusive (AE)	<p>The Timberland Production Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p> <p>The Agriculture Exclusive Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture Exclusive Zones</p>	<p>Grazing and other agricultural uses are enumerated as a principally permitted use in the Timberland Production Zone (TPZ) zoning district as long as it does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. Commercial medical cannabis cultivation is recognized under state law as an agricultural product. Agriculture Exclusive (AE) Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.</p> <p>The applicant has applied for the requisite permit under Humboldt County Code Section 314-55.4.3.7. Based on the referenced principally permitted use and the above, a finding of consistency with the TPZ and AE zoning district can be made for the projects.</p>
Min. Lot Area:	TPZ: 160 AE: 20	163 acres
Min. Lot Width:	TPZ: None specified AE: 100 feet	1,078 feet
Max. Lot Depth:	TPZ: AE: None specified	2,058 feet
Max. Ground Coverage:	TPZ: None specified AE: 20	Less than 1 Percent
Minimum Yard Setbacks: (Through the SRA requirements)	TPZ: Front: 20feet Rear: 30 feet Side: 30 feet AE: Front: 30feet Rear: 20 feet Side: Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	Single story

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-61.1 Streamside Management Areas and Wetlands Ordinance (SMAWO)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of intermittent streams is defined as 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.</p>	<p>The project also seeks a Special Permit for the encroachment within the Streamside Management Areas for four points of water diversion, Springs 1-4 as shown on the Site Plan.</p> <p>There are five tanks illustrated on the Site Plan, that are located within a Class III and Class II Streamside Management Area. As a Condition of Approval, the applicant will submit a remediation plan prepared by a qualified biologist to relocate the five tanks out of the Streamside Management Area.</p>
Off-Street Parking §314-109.1	<p>Off Street Parking: Agricultural use*: Parking space per employee at peak shift.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>No employees are expected only the applicant will be the operator.</p>

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned TPZ, on parcels one acre or larger, and on AE parcels with no parcel size limitation.	The subject parcel is approximately 163 acres in size and has both TPZ and AE zoning. No evidence of timber conversion on the property has been found. The Applicant has applied for the necessary Special Permit to bring the existing 9,535 square feet of outdoor cannabis cultivation into compliance.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Special Permit is appropriate for existing outdoor and/or mixed-light cultivation 10,000 sf on parcels over 1 acre, zoned U.	Based on review of historic imagery on TerraServer®, the site was used for cannabis cultivation prior to January 1, 2016. The proposed action is a Special Permit for 9,535 square feet of existing outdoor cannabis cultivation on APN:210-062-006, which is a 163-acre parcel zoned AE and TPZ. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant holds one other cannabis activity permit, and is entitled to four. This application is for a single permit for existing outdoor cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing will occur off-site.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant did not submit a pre-registration; however, the applicant submitted the application on September 8, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received. Contents of the application are on file. All outstanding items are included as Conditions of Approval.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	<p>A Special Permit is also requested for four points of water diversion. The encroachments occur within four springs located within Streamside Management Areas. The applicant has submitted a Lake and Streambed Alteration Agreement to the California Department of Fish and Wildlife. As a Condition of Approval, the applicant will adhere to all the recommendations and complete all corrective items.</p> <p>Irrigation occurs by a gravity fed drip lines. The total annual water demand is about 104,410 gallons (11 gallons per square foot). The water storage is composed of 9 hard tanks, 1 water bladder, and a pool, totaling 35,500 gallons. As a Condition of Approval, the applicant will increase the water by an additional 68,910 gallons to meet the forbearance period. Also, as Condition of Approval the applicant will replace the water bladder with hard tanks and the pool shall be permitted or replaced with hard tanks.</p>
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan submitted by the applicant shows all cultivation facilities are more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church, or public park. A cultural resources survey was completed for the project which showed no TCRs on site.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The cultivation uses electricity supplied by a generator. There are two Northern Spotted Owl centers are within 1.67 and 2 miles away from the project site. CDFW has requested the construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft. Project has been conditioned accordingly.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the application on September 8, 2016.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports the finding that the proposed development will not be detrimental to the public health, safety and welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved or conditionally approved the project. The project as proposed and conditioned is consistent with the general plan and zoning ordinances.

5. Residential Density Target: The following table documents the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The site does not have an existing residence but would not disallow future residential use. The project does not involve housing but does not limit the ability of the parcel to be developed for residential uses if in conformance with the General Plan and Zoning designations. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following documents the evidence which supports the finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION
FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE**

***Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)
(State Clearinghouse # 2015102005), January 2016***

APNs 210-062-006, Bridgeville Area, County of Humboldt

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

August 2019

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Special Permit for 9,535 square feet of existing outdoor cannabis cultivation on APN: 210-062-006. A Special Permit is also requested for four points of water diversion for irrigation and for remediation within the Streamside Management Area. The projected water usage is about 104,410 gallons a year. There is currently a total capacity of 35,500 gallons of water storage. Conditions of approval require the applicant to adhere to the terms and conditions of the Right to Divert and Use Water. Additionally, the applicant is required to remove and replace the water bladder with hard-sided tank storage and the pool shall be permitted or replaced with hard tanks. An additional condition of approval requires that the applicant will increase the water storage to additional 68,910 gallons to meet the forbearance period. Sufficient space is available on the subject parcel to accommodate additional tanks. Drying will occur in temporary structures and further processing shall occur offsite at a license facility. Power is provided by a generator.

The modified project will also comply with provisions of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would

substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal is to authorize an existing 9,535 square feet of existing outdoor cannabis cultivation commercial operation, authorize the restoration of areas impacted within the SMA, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

In reviewing the application for consistency with the adopted MND, the County Considered the following information and studies among other documents:

- Cultivation Operation Plan, amended on August 5, 2019.
- Site Plan dated received July 29, 2018.
- Cultural Resource Study, prepared by ALTA Archaeological Consulting on January 3, 2018.
- The State Water Resource Control Board, Right to Divert and Use Water, submitted on February 2, 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Part of the cultivation and operations plan - Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)

9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
10. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
13. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana Permits/Clearances (CCM). (On file)



Humboldt County Planning and Building Department
Cannabis Services Division
3015 H Street
Eureka, CA 95501

To whom it may concern,

Please be advised that Applicant, Humboldt Highlands Inc, on Parcel No. 210-062-006 Application no. 11124 has entered into a contract with our organization on 7/27/18 to obtain a Lake and Streambed Alteration Agreement through the California Department of Fish and Wildlife. The Contract also includes enrollment in the state Waterboard. The tier level of which the Applicant needs to enroll under will determined with a site visit performed by qualified professionals from our office. If any further information is needed do not hesitate to contact our office.

Best,
Dante Hamm
Environmental Planner
Green Road Consulting, Inc.
1650 Central Ave., Suite C
McKinleyville, CA 95519
707-630-5041 Office



Civil Engineering
Environmental Science
Construction Management
Rural Land Development



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



RE: Humboldt Highlands – Humboldt County APPS 11124 – APN: 210-062-006

July 30th, 2018

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Humboldt Highlands, APPS #11124, APN: 210-062-006.

Depart of Fish and Wildlife (LSA)

The Applicant has entered into a contracted agreement with our office to seek the necessary permits with CDFW (California Department of Fish and Wildlife). A letter with further detailed can be found with more information. An update on the status of said permits can be provided upon request by your office.

Water Resource Protection Plan (WRPP)

The Applicant has entered into a contracted agreement with our office to enroll them into the California State Waterboard. A WRRP is not a requirement for the California state waterboard. In lieu of a WRPP our office will submit the report(s) that apply to the Applicants property. The report(s) that are necessary for the Applicant will be determined after a site visit has been performed by our office. The reports will be made available to your office when completed.

Cultivation Area

The 9,535 square feet of cannabis cultivation is proposed to occur in three (3) outdoor areas and seven (7) greenhouses.

Cultivation Area #1

Cultivation Area #1 is located in the northern section of the Parcel. It consists of approximately 1,800 square feet of cultivation.

Cultivation Area #2

Cultivation Area #2 is located to the southwest of Cultivation Area #1. It consists of approximately 450 square feet of cultivation.

Cultivation Area #3

Cultivation Area #3 is located in the southern section of the Parcel. It consists of approximately 3,125 square feet of cultivation.

Greenhouse #1 - #4

Greenhouses #1 - #4 are located near the northwestern parcel line. Greenhouse #1 is 400 square feet of cultivation and Greenhouses #2 - #4 are each 800 square feet of cultivation.

Greenhouse #5 - #7

Greenhouses #5 - #7 are located near the center of the Parcel in the northern section. Greenhouse #5 is approximately 640 square feet of cultivation, Greenhouse #6 is approximately 360 square feet of cultivation and Greenhouse #7 is approximately 360 square feet of cultivation.

Water Budget

The Applicants water budget is as follows:

- May-13,800 gal/month
- June-15,640 gal/month
- July-18,400 gal/month
- August-22,080 gal/month
- September- 20,240 gal/month
- October-14,250 gal/month

Disclaimer: These values are estimates the Applicant will look into acquiring water meter to precisely monitor their yearly water usage.

Relocation

Relocation is not a part of the Applicant operations plan. Therefore, no remediation and or restoration plan is necessary. If the Applicant needs to do so in the future, the Applicant will first seek approval from the applicable licensing authorities.

Moreno, Elizabeth

From: John Long <madrivervfarms@gmail.com>
Sent: Monday, August 05, 2019 11:38 AM
To: Moreno, Elizabeth
Subject: Monthly activity



January none

February none

March soil preparation, nursery prep,

April soil conditioning, adding amendments, planting, May planting, pulling tarps, prep soil for full term June soil prep, pulling tarps, July. Harvest first dep, soil prep, replant August. Harvest dep, soil prep replant, plant maintenancee September. Harvest dep, maintenance on full term October. Harvest full term November. Clean up, winterized road, plant crop cover, December. None

Elizabeth I hope this is complete I will be in this afternoon if you have time for an appointment John Long
11124

Sent from my iPhone



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Humboldt Highlands, Inc.

PO Box 147

Hydesville, CA 95547

Parcel: 210-062-006

Agent

Kaylie Saxon

Green Road Consulting, Inc.

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

Humboldt Highlands, Inc. ("Applicant") is submitting this application for a Type II Special Permit for an existing 9,535 square foot Outdoor commercial cannabis cultivation on a 163-acre parcel, located near Bridgeville, CA ("Parcel"), Assessor's Parcel Number 210-062-006.

The Applicant originally applied for 32,925 square feet based off aerial imagery from 2014. In subsequent years, the Applicant significantly reduced the size of their cultivation. Based off this, the Applicant wishes to permit the square footage that was existing in 2016, which was 9,535 square feet.

The Applicant sources their water from four (4) natural springs on the Parcel. Initial Statements of Diversion have been filed with the State Water Resources Control Board, Division of Water Rights. There are nine (9) HDPE water tanks, one (1) water bladder and one (1) pool used for water storage, totaling 38,500 gallons of water storage on site. The plants are watered by a timed, drip irrigation system. The Applicant is aware of the need to increase their water storage to approximately 200,000 gallons to meet the required forbearance period. The Applicant estimates their annual water use to be 211,140 gallons.

There is an existing trailer on site the Applicant uses as a temporary residence. It was placed in 2007. There is also an 8'x12' storage shed that was constructed in 2009 that is used for domestic storage. The Applicant has a 20'x8' Travel Trailer they use for Nutrient Storage and an 8'x10' Generator Shed that is used for generator and fuel storage. Both the Travel Trailer and Generator Shed are from 1980.

The Applicant is anticipating two (2) harvests out of their greenhouses and one (1) harvest of their full-term outdoor cannabis. The Applicant and collective member will be processing on site and handling all daily cultivation work.

This application is submitted through their agent's, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Special Permit would achieve the following results for the Applicant:

- a. Permit 9,535 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's parcel is located in the inland zone of Humboldt County near Bridgeville, CA. The parcel is comprised of 163-acres and is identified by Assessor's Parcel Number ("APN") 210-062-06. There is no street address for the parcel.

2.1 Zoning Classification

The County's Zoning Classification of the parcel is AE;TPZ with a Current General Plan of T;AG (FRWK). The CMMUO permits new commercial cannabis cultivation on land zoned as AE;TPZ with Outdoor cultivation sites up to 10,000 square feet with a Special Permit.

2.2 Site Topography

A map of the parcel's topography is included as Attachment "A."

3.0 Easements

The Grant Deed does not identify any easements for the Parcel.

4.0 Natural Waterways

There are six (6) Class II watercourses and seven (7) Class III streams that cross the Parcel. There are also four (4) natural springs.

5.0 Location and Area of Existing Cultivation

The 9,535 square feet of cannabis cultivation is proposed to occur in three (3) outdoor areas and seven (7) greenhouses.

Cultivation Area #1

Cultivation Area #1 is located in the northern section of the Parcel. It consists of approximately 1,800 square feet of cultivation.

Cultivation Area #2

Cultivation Area #2 is located to the southwest of Cultivation Area #1. It consists of approximately 450 square feet of cultivation.

Cultivation Area #3

Cultivation Area #3 is located in the southern section of the Parcel. It consists of approximately 3,125 square feet of cultivation.

Greenhouse #1 - #4

Greenhouses #1 - #4 are located near the northwestern parcel line. Greenhouse #1 is 400 square feet of cultivation and Greenhouses #2 - #4 are each 800 square feet of cultivation.

Greenhouse #5 - #7

Greenhouses #5 - #7 are located near the center of the Parcel in the northern section. Greenhouse #5 is approximately 640 square feet of cultivation, Greenhouse #6 is approximately 360 square feet of cultivation and Greenhouse #7 is approximately 360 square feet of cultivation. All three (3) greenhouses contain pervious floors.

6.0 Setbacks of Cultivation Area

Cultivation Area #1

Cultivation Area #1 is setback from the northern parcel line by 600 feet and the eastern parcel line by 711 feet.

Cultivation Area #2

Cultivation Area #2 is setback from the northern parcel line by at least 600 feet and the eastern line by at least 711 feet.

Cultivation Area #3

Cultivation Area #3 is setback from the southeastern parcel line by 227 feet and the southwestern parcel line by 491 feet.

Greenhouses #1 - #4

Greenhouses #1 - #4 are setback from the northern line by at least 600 feet and the western line by 35 feet.

Greenhouses #5 - #7

Greenhouses #5 - #7 are setback from the northern line by at least 600 feet and the eastern line by at least 711 feet.

7.0 Access Roads

The Parcel is located off Larabee Buttes Road and is the road the Applicant and collective member will drive to access the site. The following actions need to be taken in order for the Parcel to meet Standard Conditions. Further detail on the required actions will be outlined in the Applicant's Water Resource Protection Plan once it is completed.

Site Maintenance, Erosion Control and Drainage Features

The road system needs major road work such as: rocking road surface, road shaping (out slope), rolling dips and ditch relief culverts installed to hydrologically disconnect the road systems from stream networks.

Stream Crossing Maintenance

There are several stream crossings on the Parcel that need culverts installed or replaced. Legacy logging skid road have altered stream paths crossing erosion and sediment transport.

8.0 Graded Flats

There are no graded flats located on the Parcel that have been identified to require permitting.

9.0 Existing and Proposed Buildings

Domestic Buildings

Trailer

The Trailer on site is used as the Applicant's temporary housing. It is a 36'x8' structure that was placed in 2007.

Shed

The domestic Shed is used for basic domestic storage. It is a 8'x12' structure that was constructed in 2009.

Cultivation Buildings

Generator Shed

The Generator shed houses the 4kw Predator generator and 2-5-gallon regular gasoline tanks. It is a 8'x10' structure that was constructed in 1980.

Travel Trailer

The Travel Trailer is a 20'x8' trailer that was placed in 1980. It is used to store fertilizers and nutrients.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Use

10.1 Water Source

All water used for cultivation is sourced from the four (4) natural springs on site. The Applicant has filed Initial Statements of Diversion and Use for each spring.

10.2 Water Storage

The Applicant currently has 38,500 gallons of water storage on site, outlined below:

- Four (4) 2,500-gallon HDPE tanks;
- Four (4) 500-gallon HDPE tanks;
- One (1) 3,500 gallons HDPE tank;
- One (1) 8,000-gallon water bladder; and
- One (1) 15,000-gallon pool.

The Applicant is aware of the need to increase their water storage to approximately 200,000 gallons. The Applicant has until October 2019 to meet the Standard Condition for water storage.

10.3 Irrigation Plan

The Applicant will be completing all irrigation through timed, drip irrigation, preventing over watering and runoff.

10.4 Projected Water Use

The Applicant's estimated annual cultivation water use is 211,140 gallons.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

Site Maintenance, Erosion Control and Drainage Features

The road system needs major road work such as: rocking road surface, road shaping (out slope), rolling dips and ditch relief culverts installed to hydrologically disconnect the road systems from stream networks.

Stream Crossing Maintenance

There are several stream crossings on the Parcel that need culverts installed or replaced. Legacy logging skid road have altered stream paths crossing erosion and sediment transport.

Watershed Protection

Increase water storage to meet the forbearance period and avoid streamside management areas. There is also an area of slope instability the Applicant should avoid.

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, State parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site. There also are no off-site residences within 300 feet of the cultivation area.

II. Cultivation and Operations Plan

1.0 Materials Storage

All fertilizers and amendments are located in the Travel Trailer on the Parcel. Fertilizers and amendments are placed in plastic totes where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

The Applicant has one (1) 4kw Predator generator that is stored in the Generator Shed along with 2-5-gallon regular gasoline. The Db rating at the power source is 72 Db and is 32 Db at 100 feet. The Generator is located at least 600 feet from all parcel lines.

The Applicant does not have any compost piles or soils piles on site. Trash and Recycling is stored within the domestic Shed in watertight trash cans and is taken to the disposal center in Eureka.

2.0 Cultivation Activities

Cultivation activities may vary based on climate, strain and the Applicant's personal schedule.

Cultivation activities typically begin sometime during May when plants are brought to the Parcel.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation, sometime in July and October. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis. The full-term outdoor cultivation will be harvested in October.

4.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the various Outdoor drying areas where it will be dried and cured. All processing will be performed outdoors by the Applicant and collective member. The applicant has portable toilets on site during processing times with a handwashing station inside.

The Applicant will not be hiring employee's but will implement safety protocols during cultivation and processing activities such as:

- Emergency action response plan as necessary;
- Record any accident and investigate if necessary;
- Fire prevention;
- Hazard communication policies, including maintenance of material safety data sheets;
- Material handling policies;
- Job hazard analyses and;
- Personal protective equipment policies such as the use of gloves, aprons and wear of closed-toe shoes including respiratory protections (masks).

Any equipment that requires to be sanitized after use is properly sanitized and packaged in a sealed container. The Applicant will keep cultivation areas, cultivation tools, and outdoor work areas maintained in a sanitary condition adequate to prevent or minimize pests, yeast, mold and biological contaminants. Harvest bins and shears will be cleaned before and after each use. Harvesting shears will be soaked in isopropyl alcohol after each use, and discarded once they become defective.

The Applicant will use a blacklight on cultivation areas to identify mold in its early stage. Sulfur will be burned or dusted in cultivation areas to prevent mold and mildew. If mold or mildew is found, the Applicant will remove pest immediately and dispose of.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will have emergency contact lists visibly posted such as emergency responder contacts and poison control contracts.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

6.0 Security Measures

The cultivation areas are fenced and the access roads are gated and locked. There usually are dogs on site.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Humboldt Highland APN: 210-062-006

Planning & Building Department Case/File No.: SP17-080

Road Name: Unnamed Road *(complete a separate form for each road)*

From Road (Cross street): Larabee Buttes Road

To Road (Cross street): Unnamed Road

Length of road segment: .50 miles (2,640.45 feet) miles Date Inspected: 10/3/2017

Road is maintained by: ☐ County ☒ Other private road
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.











ATTACHMENT 5

Referral Agency Comments And Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	12/21/2017	Approval	Attached
Land Use Division	01/31/18	Conditional approval	Attached
Division of Environmental Health	11/07/17	Conditional approval	Attached
Department of Fish & Wildlife	07/25/2019	Conditional approval	Attached
CALFIRE	08/29/2017	Conditional approval	On file
Northwest Information Center	10/24/2017	Cultural resources study and contact local tribes	Confidential and on file with Planning
RWQCB		No Comment	
District Attorney		No Comment	
Commissioner		No Comment	
Bear River Band of the Rohnerville Rancheria	9/21/2017	Requested Cultural Resources Study	Confidential and on file with Planning
Humboldt County Sheriff		No Comment	
Bridgeville Elementary School		No Comment	
Fortuna Union High School		No Comment	



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



8/23/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Bridgeville Elementary School District, Fortuna Union High School School District

Applicant Name Humboldt Highlands, Inc. **Key Parcel Number** 210-062-006-000

Application (APPS#) 11124 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP17-080

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than 9/7/2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

☒ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 12/21/17

PRINT NAME: Ian Mion



pool



dry shed



gh 5, 6, 7





5,6,7



gn 3



gn 3,4





9m 1,2



5,6,7





gene storage





ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE

445-7205



LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 1-31-2018

RE:

Applicant Name	Humboldt Highlands, Inc
APN	210-062-006
APPS#	11124

The Department has reviewed the above project and has the following comments:

- ☐ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☒ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #1 on Exhibit "C"

Applicant has submitted a road evaluation report (10-20-17)
stating non-county maintained road is equivalent of
a road cat 4 standard.

// END //

Additional Review is Required by Planning & Building Staff

APPS # 11124

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

☐ YES ☐ NO

If **YES**, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the *Road Evaluation Report(s)* for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

☐ YES ☐ NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel __ of Parcel Map No. __" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

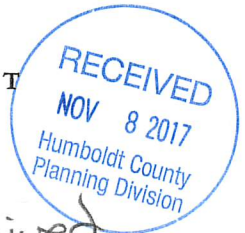
If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



DEH received
8-23-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Bridgeville Elementary School District, Fortuna Union High School School District, PW Land Use - Completed Road Evaluation

17/18-0413

Applicant Name Humboldt Highlands, Inc. **Key Parcel Number** 210-062-006-000

Application (APPS#) 11124 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP17-080

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DISTRIBUTED

Response Date: 11/7/2017 **Recommendation By:** Adam Molofsky

11-8-17 Page 69

2746



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Humboldt Highlands, Inc.		Date: 7/25/2019	
APPS No.: 11124	APN: 210-062-006	DFW CEQA No.: 2017-0385	Case No. PLN-11124-SP
<input type="checkbox"/> New <input type="checkbox"/> Existing		Proposed: <input type="checkbox"/> Mixed-light (SF): <input checked="" type="checkbox"/> Outdoor (SF): 9,535 <input type="checkbox"/> Indoor (SF):	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of a letter issued by CDFW indicating one is not needed.

If the County elects to move this Project forward to hearing, CDFW requests the following items be incorporated as conditions of Project approval:

- ☒ All artificial light used for cannabis cultivation, including indoor, mixed-light and ancillary cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. Light attenuation shall be effective immediately.

- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft, effective immediately.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ CDFW requests, as a condition of Project approval, all generators and associated fluids be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).
- ☒ That access roads leading to the site are assessed by an experienced licensed Professional and that BMP's are implemented within sixty-days following the execution of this agreement, to prevent sediment delivery to nearby watercourses/wet areas.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Coast Fawn Lily (*Erythronium revolutum*), Howell's Montia (*Montia howellii*), Pacific Gilia (*Gilia capitata ssp. pacifica*), Tracy's Sanicle (*Sanicula tracyi*), Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

Moreno, Elizabeth

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 12, 2019 10:22 AM
To: Moreno, Elizabeth
Subject: RE: Response on APPS 11124

Hello Elizabeth,

This is a general statement for this parcel that reiterates the Waterboard Policy; thus, if they have a WB Site Management Plan they should be covered.

Moving forward, I will modify my language to clarify whether I am referring to the main access road or road(s) on parcel.

Thank you,

Kalyn

From: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>
Sent: Tuesday, August 6, 2019 3:35 PM
To: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: RE: Response on APPS 11124

My apologies, I copied it wrong .

☒ That access roads leading to the site are assessed by an experienced licensed Professional and that BMP's are implemented within sixty-days following the execution of this agreement, to prevent sediment delivery to nearby watercourses/wet areas.

Can you provide a bit more information of this one? The applicant will need to meet the State Regional Water Board standards for sediment control. Also, what road are you looking at?

Thanks Kalyn,



Elizabeth Moreno
Planner
Cannabis Services Division
Planning and Building Department
707.445.7245

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Tuesday, August 06, 2019 3:21 PM
To: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>
Subject: Re: Response on APPS 11124

Hi Elizabeth,

Can you clarify what you need clarification on?

Thank you,

Kalyn

Sent from my iPhone

On Aug 6, 2019, at 3:15 PM, Moreno, Elizabeth <EMoreno@co.humboldt.ca.us> wrote:

Hi Kalyn,

See below, I have a question on the last one. Thanks- Elizabeth M.

☑ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.

❖ As a Condition of Approval, the applicant will obtain a LSAA.

☑ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.

c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of a letter issued by CDFW indicating one is not needed.

❖ As a Condition of Approval, the applicant will obtain a LSAA. The water source is 4 springs.

☑ All artificial light used for cannabis cultivation, including indoor, mixed-light and ancillary cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lightingbasics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. Light attenuation shall be effective immediately.

❖ No lights will be used for the project

☑ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased

blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft, effective immediately.

❖ Ongoing Condition of Approval

☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

❖ Ongoing Condition of Approval

☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

❖ Ongoing Condition of Approval

☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.

❖ Ongoing Condition of Approval

☒ CDFW requests, as a condition of Project approval, all generators and associated fluids be relocated to stable surfaces with a minimum 200ft buffer from Class I streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).

❖ Not near a Class I streams

☒ That access roads leading to the site are assessed by an experienced licensed Professional and that BMP's are implemented within sixty-days following the execution of this agreement, to prevent sediment delivery to nearby watercourses/wet areas. Can you provide a bit more information of this one? The applicant will need to meet the State Regional Water Board.

<image001.png>

Elizabeth Moreno

Planner

Cannabis Services Division

Planning and Building Department

707.445.7245